

AMENDMENT UNDER 37 C.F.R. § 1.111
Application Serial No. 10/759,129
Attorney Docket No. Q79438

REMARKS

Upon entry of the present Amendment, claims 1, 3-8 and 20-21 are all the claims pending in the application. Claims 9-20, which were previously withdrawn from consideration, are cancelled without prejudice or disclaimer. Claims 1, 4, 6 and 8 are amended. No new matter is presented.

In the Final Office Action, the Examiner objects to the drawings for allegedly failing to show all the claimed features. Further, claims 4-6 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite; claims 1, 4 and 7 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Pfeiffer (U.S. Patent No. 5,843,529); and claims 1, 4 and 7 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by (U.S. Patent No. 3,424,126). The Examiner has additionally rejected claims 1-2 and 4-7 on obviousness-type double patenting grounds based on Application Nos. 10/437,973 and 10/219,812.

The outstanding objection and rejections are traversed, as discussed below.

Objection to the Drawings

The Examiner objects to the drawings because the feature of the “air-liquid interface forming portion”, as recited in claim 4, is allegedly not shown. *See* Office Action at page 2. Applicant respectfully disagrees with the Examiner’s contention that this feature is not illustrated by the drawings and traverses the objection, as discussed below.

Initially, Applicant notes that the air-liquid interface forming portion is described in the specification at, for example, pages 28-29. Further, as discussed below with respect to the 35 U.S.C. § 112, second paragraph, rejection of claim 4, the air-liquid interface forming portion refers to, in an exemplary, non-limiting embodiment, the horizontal flow path 18A and the vertical flow path 18B, which provide flow of the coating liquid from the between-bars liquid reservoir 6 to the primary coating liquid supply flow path 14. Thus, the liquid level of the between-bars liquid reservoir 6 is lowered near the primary bar 2, thereby providing an “air-liquid interface”, which is illustrated in Figure 1.

Accordingly, Applicant submits that *at least* the horizontal flow path 18A and the vertical flow path 18B, together with the explicitly labeled “air liquid interface” support the feature of the “air-liquid interface forming portion”, as claimed. Applicant therefore requests the Examiner to withdraw this objection.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejects claims 4-6 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Regarding claim 6, the Examiner contends that it is unclear how the “primary coating liquid supply flow path” relates to “a coating liquid supply flow path”, as recited in claim 1. Further, the Examiner asserts that “air-liquid interface forming portion” as recited in claim 4, is confusing because “it appears from the specification and drawings that the air-liquid interface forming portion is defined by a cooperative relationship between elements of the apparatus which includes the between-bars liquid reservoir.”

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With respect to claim 6, Applicant notes that claim 6 is amended to recite “wherein the coating liquid supply flow path includes a primary coating liquid supply flow path for supplying the coating liquid, which is formed at an upstream side of the primary bar...” Thus, Applicant submits that the relationship between the coating liquid supply flow path of claim 1, and the primary liquid supply flow path, as recited in dependent claim 6, is sufficiently clear and definite. Withdrawal of the rejection of claim 6 is therefore requested

With respect to claim 4, Applicant refers the Examiner to the above discussion with respect to the objection to the drawings and further notes that claim 4, as amended, recites “an air-liquid interface forming portion, which is provided at the between-bars liquid reservoir, for forming an air-liquid interface at a time of coating, wherein the air-liquid interface that is formed by the air-liquid interface forming portion is an interface between the coating liquid and air.” Thus, Applicant submits that the air liquid interface forming portion, as defined by claim 4, is sufficiently definite. Applicant therefore requests the Examiner to withdraw the rejection.

Claim Rejections - 35 U.S.C. § 102

Pfeiffer - Claims 1, 4 and 7

As noted previously, claims 1, 4 and 7 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Pfeiffer. Without commenting substantively, Applicant notes that claim 1 is amended to incorporate the subject matter of claim 2. Claim 2 is not rejected on prior art grounds, and the obviousness-type double patenting rejection of claim 2 is believed to be

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obviated by the submission of the terminal disclaimer, as discussed below. Therefore, Applicant submits that claim 1 is allowable at least by virtue of reciting the subject matter of claim 2.

In addition, Applicant notes that withdrawn claim 8 defines a method with similar features as recited in claim 1, which is presently amended to recite the feature of claim 2. Applicant therefore requests the Examiner to rejoin method claim 8, which is allowable at least for the reasons analogous to those discussed for claim 1.

Mahoney - Claims 1, 4 and 7

Claims 1, 4, and 7 are also rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Mahoney. As noted above, claim 1 is amended to incorporate the subject matter of claim 2. Thus, Applicant submits that claim 1 is allowable at least by virtue of reciting the feature of claim 2.

With respect to dependent claims 3-7 and 21-22, Applicant submits that these claims are allowable at least by virtue of depending from claims 1 and 8, respectively, and by virtue of the features recited therein.

Obviousness-type Double Patenting Rejections

With respect to the provisional non-statutory double patenting rejection of claims 1-2 and 4-7 over Application 10/437,973, Applicant submits that this ground of rejection is obviated by the terminal disclaimer submitted with the filing of the present Amendment.

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Initially, Applicant notes that Application 10/437,973 issued as U.S. Patent No. 7,041,339 on May 9, 2006, subsequent to the outstanding Non-Final Office Action in the present case. Therefore, Applicant submitting a terminal disclaimer to U.S. Patent No. 7,041,339. As this ground of rejection is obviated by the terminal disclaimer to the issued patent, Applicant request that the rejection be withdrawn.

With respect to the provisional non-statutory double patenting rejection of claims 1 and 7 over Application No. 10/219,812, Applicant submits that this ground of rejection is moot in view of the amendment of claim 1 to incorporate the subject matter of claim 2, as discussed above. Further, claim 7 is allowable at least by virtue of depending from claim 1. Reconsideration and withdrawal of this ground of rejection is therefore requested.

New Claims

In order to provide additional coverage merited by the scope of the invention, Applicant is adding new claims 20-21. As noted above, Applicant submits that claims 20-21 are allowable at least by virtue of their dependency. Further, Applicant submits that neither Pfeiffer nor Mahoney teaches or suggest the feature of a backup member supporting the primary bar and the secondary bar from below, wherein the between-bars liquid reservoir is formed as a space defined by the primary bar, the secondary bar, and the backup member, as recited by claims 20-21. Allowance of claims 20-21 is therefore requested.

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Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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